

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (Eastern Division)**

Comecast of Southern New England, Inc.)	Case No.: 03-12265-GAO
(“Comcast”))	
)	
Plaintiff,)	
)	
vs.)	AFFIDAVIT OF JOHN M. McLAUGHLIN
)	IN SUPPORT OF PLAINTIFF'S MOTION
)	IN LIMINE
Erica Coleman)	
)	
Defendant)	

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On November 22, 2004 my office made and served upon the Defendant Request for Admissions (see exhibit A to motion), Request for Production and interrogatories;
2. Plaintiff's requests for admissions specifically contained the following warnings/statements:

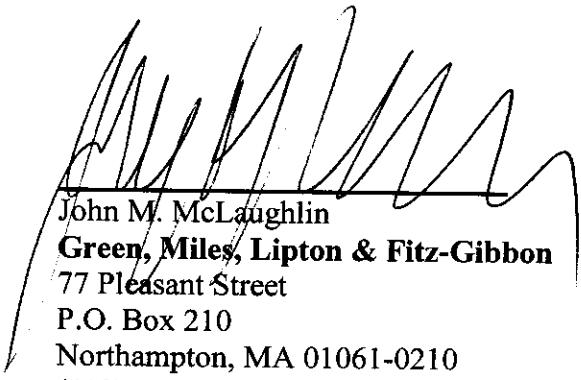
"Pursuant to Court order and the Federal Rules of Civil Procedure, each Request for Admission is to be answered fully and separately, in writing and under oath, within thirty (30) days from the date of service."

and

"Please note that under Rule 36, any Request for Admission which is not the subject of a timely written response or objection signed by the party or the party's attorney shall be deemed admitted for purposes of the pending action"

3. FedEx tracking records show that the priority envelope sent to the Defendant was delivered on November 23, 2004 at 10:28 a.m.;
4. On December 28, 2004, I sent the Defendant a letter via overnight mailing stating that she must contact Plaintiff's Counsel regarding her failure to abide by the rules of discovery;
5. After said letter was returned undeliverable by FedEx, my office attempted to reach the Defendant by telephone and also sent another letter to the Defendant at her New Bedford address via first-class prepaid postage mailing; and
6. To date, the Defendant has made no response whatsoever to any of the Discovery served upon her and, as referenced above, she has failed to abide by discovery rules;

Subscribed and sworn to, under the pains and penalties of perjury, this 13th day of January 2005.



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